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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/607,205 06/29/00 KONDO

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EXAMINER

WM02/0314

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ART UNIT

PAPER NUMBER

2613

DATE MAILED:

03/14/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/607,205

Applicant(s)

Kondo

Examiner

Richard Lee

Group Art Unit
2613



- ☐ Responsive to communication(s) filed on _____.
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

- ☒ Claim(s) 17-29, 63-75, and 123-142 is/are pending in the application.
- Of the above, claim(s) _____ is/are withdrawn from consideration.
- ☒ Claim(s) 17-19, 21, 63-65, 67, 130-132, and 134 is/are allowed.
- ☒ Claim(s) 20, 22-29, 66, 68-75, 123-129, 133, and 135-142 is/are rejected.
- ☐ Claim(s) _____ is/are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.

Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- ☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☒ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
- ☐ received.
- ☒ received in Application No. (Series Code/Serial Number) 08/892,570.
- ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

- ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- ☒ Notice of References Cited, PTO-892
- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 4
- ☐ Interview Summary, PTO-413
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. It is noted that the Patent Abstracts of Japan reference, vol. 095, No. 009 published 31 October 1995 as shown in the form PTO-1449 IDS filed August 14, 2000 has not been considered since this reference has not been supplied to the Office. Accordingly, a line has been drawn through the citation in the attached PTO-1449. Please submit the reference in response to this Office Action for consideration by the Examiner.

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “means for storing mapping coefficients for each class” as claimed in claim 17, line 5; “reading mapping coefficients corresponding to the class information from a memory” as claimed in claim 24, lines 13-14; “memory for storing predicted coefficients for each class ... for each class” as claimed in claim 25, lines 3-4; “storing mapping coefficients for each class” as claimed in claim 63, line 5; “reading mapping coefficients corresponding to the class information from a memory in which mapping coefficients for each class are stored” as claimed in claim 70, lines 13-15; “reading from a memory predicted coefficients corresponding to the class information” as claimed in claim 71, lines 6-7; “storing mapping coefficients for each class” as claimed in claim 123, line 10; and “storing mapping coefficients for each class” as claimed in claim 130, line 7 must be shown or the feature(s) canceled from the claim(s). It is noted that though the mapping coefficients memory is disclosed/shown in other embodiments of the present application, it is not shown in the presently claimed invention directed to the embodiment defined by Figures 1, 2, 5, 9, 16, 18, and 19. No new matter should be entered.

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3. Claims 20, 22-29, 66, 68-75, 123-129, 133, 135, 136, 138-140, and 142 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For examples:

(1) claim 20, line 2, “the predicted error” shows no clear antecedent basis;

(2) claim 22, lines 6-9, the phrase “predicting image data of the second hierarchy **where a number of pixels for the image data of the first hierarchy for learning using the image data of the first hierarchy for learning** and mapping coefficients corresponding to the class information” as claimed is vague and indefinite since it is not particularly understood what meant/claimed with respect to the bolded phrase above;

(3) claim 23, line 12, “the predictive error” shows no clear antecedent basis;

(4) claim 23, line 16, “the predicted error” shows no clear antecedent basis. In addition, is “the predicted error” the same as “the predictive error” as claimed at line 12? If so, then one should be changed to the other for consistency;

(5) claim 23, line 17, “the correcting operation” shows no clear antecedent basis and therefore “operation” should be changed to “step” in order to provide proper antecedent basis for the same as specified at line 6;

(6) claim 24, line 4, “the second hierarchy” shows no clear antecedent basis and therefore “the” should be changed to “a”, and to also provide proper antecedent basis for the same as claimed at line 4;

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(7) claim 24, line 6, "the first hierarchy" shows no clear antecedent basis and therefore "the" should be changed to "a";

(8) claim 66, line 2, "the predicted error" shows no clear antecedent basis;

(9) claim 68, line 11, "the coded data" shows no clear antecedent basis;

(10) claim 69, line 12, "the predictive error" shows no clear antecedent basis;

(11) claim 69, line 16, "the predicted error" shows no clear antecedent basis. In addition, is "the predicted error" the same as "the predictive error" as claimed at line 12? If so, then one should be changed to the other for consistency;

(12) claim 69, line 17, "the correcting operation" shows no clear antecedent basis and therefore "operation" should be changed to "step" in order to provide proper antecedent basis for the same as specified at line 6;

(13) claim 70, lines 3-4, "the second hierarchy" shows no clear antecedent basis and therefore "the" should be changed to "a";

(14) claim 70, lines 5-6, "the first hierarchy" shows no clear antecedent basis and therefore "the" should be changed to "a";

(15) claim 74, line 4, "is" should be deleted for clarity;

(16) claim 75, line 4, "is" should be deleted for clarity;

(17) claim 123, line 1, after "coded", "image" should be properly inserted in order to provide proper antecedent basis for the same as specified at line 3;

(18) claim 126, line 2, "the predicted error" shows no clear antecedent basis;

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(19) claim 128, lines 6-9, the phrase “predicting image data of the second hierarchy **where a number of pixels for the image data of the first hierarchy for learning using the image data of the first hierarchy for learning** and mapping coefficients corresponding to the class information” as claimed is vague and indefinite since it is not particularly understood what meant/claimed with respect to the bolded phrase above;

(20) claim 129, line 12, “the predictive error” shows no clear antecedent basis;

(21) claim 129, line 16, “the predicted error” shows no clear antecedent basis. In addition, is “the predicted error” the same as “the predictive error” as claimed at line 12? If so, then one should be changed to the other for consistency;

(22) claim 129, line 17, “the correcting operation” shows no clear antecedent basis and therefore “operation” should be changed to “step” in order to provide proper antecedent basis for the same as specified at line 6;

(23) claim 133, lines 2-3, “the predicted error” shows no clear antecedent basis;

(24) claim 135, lines 6-9, the phrase “predicting image data of the second hierarchy **where a number of pixels for the image data of the first hierarchy for learning using the image data of the first hierarchy for learning** and mapping coefficients corresponding to the class information” as claimed is vague and indefinite since it is not particularly understood what meant/claimed with respect to the bolded phrase above;

(25) claim 135, line 11, after “coded”, “image” should be properly inserted in order to provide proper antecedent basis for the same as specified at claim 130, line 2;

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(26) claim 136, line 12, "the predictive error" shows no clear antecedent basis;

(27) claim 136, line 12, after "predicted", "image" should be properly inserted in order to provide proper antecedent basis for the same as specified at claim 130, line 9;

(28) claim 136, line 16, "the predicted error" shows no clear antecedent basis. In addition, is "the predicted error" the same as "the predictive error" as claimed at line 12? If so, then one should be changed to the other for consistency;

(29) claim 138, line 18, "the prediction value" shows no clear antecedent basis;

(30) claim 139, line 17, "the predicted error" shows no clear antecedent basis;

(31) claim 140, line 20, "the predicted error" shows no clear antecedent basis;

(32) claim 140, line 21, "the correcting operation" shows no clear antecedent basis;

(33) claim 142, line 17, "the predicted error" shows no clear antecedent basis; and

(34) claim 142, lines 21-22, the phrase "transmitting the corrected data ... the determined result" as claimed is indefinite since this is not further limiting from that claimed at lines 18-19 (essentially, the phrase is duplicated in the same claim).

4. A rejection based on double patenting of the "same invention" type finds its support in the language of 35 U.S.C. 101 which states that "whoever invents or discovers any new and useful process ... may obtain a patent therefor ..." (Emphasis added). Thus, the term "same invention," in this context, means an invention drawn to identical subject matter. See *Miller v. Eagle Mfg. Co.*, 151 U.S. 186 (1894); *In re Ockert*, 245 F.2d 467, 114 USPQ 330 (CCPA 1957); and *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970).

A statutory type (35 U.S.C. 101) double patenting rejection can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope. The filing of a terminal disclaimer cannot overcome a double patenting rejection based upon 35 U.S.C. 101.

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5. Claims 137; 138; 139; 141; and 142 are rejected under 35 U.S.C. 101 as claiming the same invention as that of claims 1 and 5; 17, and 31-33; 34 and 38; 50, 55, and 56; and 67, respectively of prior U.S. Patent No. 6,198,770. This is a double patenting rejection.

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kondo et al (5,859,667) discloses a hierarchical encoding and decoding apparatus for a digital image signal.

Kondo (6,192,076) discloses an image coding and decoding using mapping coefficients corresponding to class information of pixel blocks.

7. Claims 20, 22-29, 66, 68-75, 123-129, 133, 135, and 136 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

8. Claims 17-19, 21, 63-65, 67, 130-132, and 134 are allowed.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

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or faxed to:

(703) 308-9051, (for formal communications intended for entry)


Or:

(703) 308-6306 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington. VA., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Lee whose telephone number is (703) 308-6612.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-4700.


RICHARD LEE
PRIMARY EXAMINER

Richard Lee/rl

3/9/01

